

Supplement Brief supporting
Mr. Hall - Objection to Dismiss Claim #474/#1097
Issues (a) (b) (c) do not apply
to my filing procedure

Request by
City of Detroit

The Automatic Stay would
pertain to me if I had lengthy
time to file a lawsuit. To file
a lawsuit I would generally
need evidence to support my case.
In ~~case~~ ^{docket # claim} 1097 I could not obtain
evidence and importantly participation
in a police-line-up that was scheduled
but postponed the day Emergency
Management arose. Automatic stay
would apply to me if a lawsuit was
filed previous or started before
bankruptcy and therefore I could
request a relief from automatic stay
and filed in the same district court
where the civil suit began. Claim # 474
was filed in Michigan Court of Claims so
therefore I would not be going back
to the city of Detroit courts. As when the
Auto stay was presented, timing or Non-timely,
I have the right to file a lawsuit after
the bankruptcy has been approved

U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

2015 JUN 23 P 1:33

FILED

Richard Hall

Richard Hall

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which was December 10, 2014,
so Michigan Tolling Allows me to
file 295 days after the original
statute of limitations which was
October 29, 2014, so therefore I have
until August 20, 2015 for claim #1097
15 for claim #474 which is now
being recognized by Bankruptcy courts
re: Detroit debtors I can pursue
a lawsuit if City of Detroit is indeed
liable for my injuries. Again I never
filed in District Court against the city
but in Michigan State Court of Claims
but the city of Detroit responded to the
intent to file a lawsuit that was
presented for Michigan State Court of claims.

Standard procedure is that per federal
law, any collection efforts must cease
when someone files bankruptcy, and
trying to collect a debt after being notified
the debtor is filing bankruptcy can
actually result in criminal penalties
under federal law. I have asserted my
claim with respect to bankruptcy procedures
and hope to prove my claim is valid, without assertion

Written by James Hirby | Fact checked by The Law Dictionary staff

Whether you can file a civil lawsuit against someone who has filed bankruptcy is a complex question with more than one answer. Standard procedure is that per federal law, any collection efforts must cease when someone files bankruptcy. Trying to collect a debt after being notified the debtor is filing bankruptcy can actually result in criminal penalties under federal law.

Those who are considering filing bankruptcy must file a document called "Suggestion of Bankruptcy" with the bankruptcy court. Based on this information, you cannot file a civil lawsuit after you receive this notification that a debtor plans to file bankruptcy. Filing this document gives debtors what is called an automatic stay from collection efforts. Even if you started the civil suit before the debtor filed the Suggestion of Bankruptcy, you must stop any further court proceedings regarding the suit.

If a creditor can prove the debt was obtained by fraud or false pretenses, the debt is not dischargeable in bankruptcy court. Non dischargeable means the debt will not be forgiven. The debtor will still be responsible to pay. If you think your case meets these criteria you can file what is called an Adversary Proceeding in bankruptcy court.

Other examples of debt that cannot be discharged include student loans and money owed to state or federal agencies. Examples of debts to agencies include federal fines, back ordered child support or alimony, and back taxes.


Creditors may file a request for relief from the automatic stay so that the creditor can continue pursuing the case. This request is filed in the same district court where the civil suit began. It is up to the district court to approve or deny the creditor's request.

The best way to prove your claim is to file an Adversary Proceeding. Doing so states that your claim is valid, has priority over other claims, or is secured by real property.

If creditors do nothing to assert their claim, the claim will be dismissed when the bankruptcy is approved. By not asserting a claim, you are telling the defendant and the bankruptcy court that you are waiving your right to pursue payment.

It is advisable to consult with or retain an attorney when faced with a debtor who is filing bankruptcy. Doing so avoids violating any federal law that protects the debtor's rights

Law Dictionary: Can I File a Civil Suit Against Someone Who Filed Bankruptcy

A handwritten signature in black ink, appearing to read "Shawn Hel", is located in the bottom right corner of the page.